

**Exhibit No.** 5

2004V00291  
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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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at 3 o'clock and 20 min. PM  
SUE BEITIA, CLERK

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG LEK
	)	
Plaintiff,	)	FEDERAL DEFENDANTS' ANSWER TO
	)	FIRST AMENDED COMPLAINT;
v.	)	CERTIFICATE OF SERVICE
	)	
SIDNEY HAYAKAWA, Director of	)	
Transportation Security	)	
Administration - Honolulu,	)	
KEN KAMAHELE, Deputy	)	
Director, TRANSPORTATION	)	
SECURITY ADMINISTRATION;	)	
THOMAS J. RIDGE, Secretary,	)	
Department of Homeland	)	
Security, DEPARTMENT OF	)	
HOMELAND SECURITY; JOHN DOES	)	
1-5,	)	
Defendants.	)	
	)	

FEDERAL DEFENDANTS' ANSWER TO FIRST AMENDED COMPLAINT

Federal Defendants Sidney Hayakawa, Ken Kamahele, and Thomas J. Ridge, Secretary, Department of Homeland Security (Federal Defendants), by and through undersigned counsel respectfully

29. Federal Defendants admit the allegations in paragraph 29.

30. Federal Defendants are without sufficient information to admit or deny the allegations contained in this paragraph of Plaintiff's complaint.

31. Federal Defendants admit that Plaintiff was advised that he did not pass the recertification and that he was removed effective November 25, 2003.

32. Federal Defendants aver that it has provided Plaintiff with information indicating that he failed the recertification. The Agency admits that the recertification results are privileged Sensitive Security Information. Federal Defendants deny the remaining allegations of this paragraph of Plaintiff's complaint.

33. Federal Defendants are without sufficient information to admit or deny the allegations contained in this paragraph of Plaintiff's complaint. Federal Defendants aver that Plaintiff was removed from employment because he failed the screener recertification.

34. Federal Defendants deny the allegations contained in this paragraph of Plaintiff's complaint.

35. Federal Defendants deny the allegations contained in this paragraph of Plaintiff's complaint.